

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Waiver by)	
)	
Waterville Public Schools)	File No. SLD-351827
Waterville, Maine)	
)	
Schools and Libraries Universal Service Support)	CC Docket No. 02-6
Mechanism)	

ORDER

Adopted: April 9, 2004

Released: April 12, 2004

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Waterville Public Schools (Waterville), Waterville, Maine seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ At the same time that Waterville filed its request with the Commission, it also filed a Request for Waiver of the same decision with SLD.² The Commission's rules do not contemplate simultaneous appeals of SLD's decisions to the Administrator and the Commission.³ We therefore dismiss without prejudice Waterville's Request for Waiver to the Commission. Once the Administrator has issued its decision, Waterville may then appeal to the Commission, if it believes such an appeal is warranted at that time.⁴

¹ Letter from James Reny, Waterville Public Schools, to Federal Communications Commission, dated December 19, 2003, filed December 24, 2003 (Request for Waiver). Any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

² Letter from James Reny, Waterville Public Schools, to Schools and Libraries Division, Universal Service Administrative Company, dated December 19, 2003, filed December 22, 2003.

³ 47 C.F.R. § 54.720 (when an applicant has an appeal pending with the Administrator, the period to file with the Commission is tolled until the Administrator's review is complete).

⁴ See 47 C.F.R. §§ 54.719 – 54.725 (setting forth rules pertaining to Commission review of the Administrator's decisions).

2. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Waiver filed on December 24, 2003, by Waterville Public Schools, Waterville, Maine IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Narda M. Jones
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau